

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, Applicants will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 6, to insert after "Flower description", information on the quantity of flowers produced per plant of 'PKMp02'.

B. The specification has been amended at page 8, to insert after "Seed" description, information on the use of growth retardants for 'PKMp02'.

Further, the abstract has been amended at page 10, line 5, to delete the term "less" and to insert the term "no" when quantifying the need for chemical growth retardation for 'PKMp02'.

C. The specification has been amended at page 4, to insert at line 3, information that the closest comparison cultivars to 'PKMp02' are the parental varieties, '08.08' and '08.98.05'.

D. The specification has been amended at page 1, line 5, to amend the variety denomination of the plant from 08.01.13 to 'PKMp02'. As a result, the specification has been amended throughout to replace all occurrences of '08.01.13' with 'PKMp02'.

E. The specification has been amended at page 4, lines 10-14, to provide a corrected description of the four drawings filed with the application on August 27, 2003.

Applicants are also submitting a replacement drawing sheet for Figure 1 which has better color quality of a flowering 'PKMp02'.

In addition, the specification has been amended to change the title of the instant plant from '08.10.13' to --'PKMp02'--.

Due to the number of changes and/or corrections, Applicants hereby file a Substitute Specification containing no new matter. The Examiner is authorized to cancel the specification as filed in favor of the attached substitute specification.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Amendment and Request for Reconsideration
U.S. Appln. No. 10/648,303

Atty. Dkt. No. 034896-0102

Respectfully submitted,

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Date Dec 10, 2004

By _____

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Amendments to the Drawings:

The attached drawing sheet containing Figure 1 is being presented as a replacement sheet to be substituted for the previously submitted drawing sheet for Figure 1. The replacement sheet for Figure 1 has better color quality of a flowering 'PKMp02'.